

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

114

2024:PHHC:062396-DB

LPA No. 1124 of 2024 (O&M)
Date of Decision: 06.05.2024

Sanjay Kumar

.....Appellant(s)

Versus

Union of India and others

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Gurpreet Jayia, Advocate,
for the appellant.

Mr. Shivoy Dhir, Sr. Panel Counsel,
for Union of India.

G.S.SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

Delay Application

1. Application for condonation of delay of 44 days in filing the appeal is allowed, in view of averments made in the application duly supported by affidavit.
2. Delay condoned.
3. CM stands disposed of.

Main Case

4. Consideration in the present letters patent appeal is to the order dated 16.02.2024 passed by the learned Single Judge in CWP-3502-2024, Sanjay Kumar vs. UOI and others. The learned Single Judge, while dismissing the writ petition, declined to set aside the order dated 18.12.2023 (Annexure P-21) whereby, the representation of the writ petitioner for assigning lighter duty was rejected.
5. The learned Single Judge noticed that on an earlier occasion, the appellant as such had approached this Court and got a direction to decide his representation. The order as such noticed the factual matrix as to the fact that the

and that there was one water carrier. The allegations as such that there are 65 employees staying was factually held to be against the record and a finding was recorded by the learned Single Judge that the appellant does not want to work at all and is habitual of filing writ petitions.

6. A perusal of the writ petition would go on to show that it was based on the fact that there were some recommendations by the PGIMER, Chandigarh and the Civil Hospital, Sector 6, Panchkula in favour of the writ petitioner, on the basis of which, he had sought the legal redressal.

7. We have gone through the medical record also, which would go on to show that it is not a case as such where the appellant suffers from some disability and the record of the Civil Hospital talks about pain while lifting heavy weight and was advised light duty. He had suffered one fracture at an earlier point of time which is the reason for the said pain. The kind of duty that he is doing is not such that it would make it difficult for him considering the fact that he has been deployed in the kitchen and also has a help.

8. Even otherwise, we are of the considered opinion that there is no such legal right on the basis of which the writ petition could have been filed. The observations of the learned Single Judge as such do not suffer from any infirmity which would warrant interference.

9. Accordingly, finding no merit in the appeal, the same stands dismissed.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

06.05.2024
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(VIKAS BAHL)
JUDGE